

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

**Case No. 03-CR-2
USCA 03-4047**

-vs-

LELAND HALL,

Defendant.

ORDER

The Court ordered the parties in the above captioned case to submit position statements pursuant to *U.S. v. Paladino*, 401 F.3d 471 (7th Cir. 2005).

The Court has read those position statements and the sentencing transcript and recent filings and responds to the request from the Circuit Court of Appeals as follows. If the sentencing guidelines had been merely advisory the Court would have imposed the same sentence.

Consideration of the factors contained in 18 U.S.C. § 3553(a) would lead to the same result. A just sentence requires that emphasis be placed, as this Court stated at sentencing, on punishment and deterrence.

The egregious “nature and circumstances of the offense” along with the “history and characteristics of the defendant” dictate a sentence at the high end of the sentencing guidelines. Hall’s history of criminal behavior puts him at the top of his criminal history category. That history suggests that the defendant’s true criminal history

is understated. In short, emphasis on and consideration of the factors under § 3553(a) and (b) do not inure to Hall's benefit.

Dated at Milwaukee, Wisconsin, this 3rd day of November, 2005.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge